



Phillips Lytle LLP

March 14, 2019

Hon. Sandra J. Feuerstein (ECF & US Mail)
Hon. Denis R. Hurley (ECF & US Mail)
Hon. Joanna Seybert (ECF only)
United States District Judges

Hon. Nina Gershon (ECF & US Mail)
United States District Judge

Hon. Roanne L. Mann (ECF only)
United States Magistrate Judge

Hon. Gary R. Brown (ECF only)
Hon. Arlene R. Lindsay (ECF & US Mail)
Hon. Anne Y. Shields (ECF only)
Hon. A. Kathleen Tomlinson (ECF only)
United States Magistrate Judges

Eastern District of New York
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201

Eastern District of New York
Alfonse M. D'Amato Federal Building
100 Federal Plaza
Central Islip, NY 11722

Re: *Albertson Water District v. Dow Chem. Co., et al.*, No. 1:18-cv-07282-SJF-GRB
Bd. of Comm'rs of Manhasset-Lakeville Water District v. Dow Chem. Co., et al., 2:19-cv-00085-SJF-ARL
Carle Place Water District v. Dow Chem. Co., et. al., 2:18-cv-07279-DRH-ARL
Garden City Park Water District v. Dow Chem. Co., et. al., 2:18-cv- 07277-DRH-AKT
Jericho Water District v. Dow Chem. Co., et. al., 2:18-cv-07281-DRH-ARL
Oyster Bay Water District v. Dow Chem. Co., et. al., 2:18-cv-07272-DRH-GRB
Port Washington Water District v. Dow Chem. Co., et. al., No. 2:18-cv-07266-JS-AKT
Roslyn Water District v. Dow Chem. Co., et. al., 2:18-cv-07269-NG-RLM
Water Authority of Great Neck North v. Dow Chem. Co., et. al., 2:18-cv-7271-SJF-AYS
West Hempstead Water District v. Dow Chem. Co., et. al., 2:18-cv-07278-SJF-AYS

Dear Your Honors:

I am counsel for defendant The Dow Chemical Company in the above matters ("Matters"), and write on behalf of all parties to request (i) an extension of defendants' time to respond to the Complaints in each of the Matters, and (ii) an adjournment of all other deadlines until the pending unopposed Relatedness Applications that have been filed in each of the Matters are decided. This extension will allow the parties to coordinate their activities across these Matters, and promote efficiency.

On January 31, 2019, plaintiffs filed an Application pursuant to Rule 50.3.1(d) of the Guidelines for the Division of Business Among District Judges, Eastern District, seeking a determination of relatedness for each of the Matters, as well as the matter of *Suffolk County Water Authority v. The Dow Chemical Company, et al.*, Case No. 2:17-cv-6980-JFB-AYS ("SCWA Matter") ("Relatedness Applications"). Pursuant to Local Rule 50.3.1(e), the parties understand that, if the Court agrees that these actions are related, the cases will be assigned to the Judge in the case

ATTORNEYS AT LAW

JOEL A. BLANCHET, PARTNER DIRECT 716 847 7050 JBLANCHET@PHILLIPSLYTLE.COM.

340 MADISON AVENUE 17TH FLOOR NEW YORK, NY 10173-1922 PHONE 212 759 4888 FAX 212 308 9079

NEW YORK: ALBANY, BUFFALO, CHAUTAUQUA, GARDEN CITY, NEW YORK, ROCHESTER | OHIO: CLEVELAND | WASHINGTON, DC
CANADA: WATERLOO REGION | PHILLIPSLYTLE.COM



Your Honors
Page 2

March 14, 2019

with the lowest docket number. That case, the SCWA Matter, is pending before Judge Bianco. Defendants did not oppose any of the Relatedness Applications. None has been decided.

In anticipation of the Relatedness Applications being filed, and in an effort to coordinate the Matters, on January 29, 2019, defendants filed a request in each of the Matters, with plaintiffs' consent, to extend their time to respond to the Complaints pending in each of the Matters.¹ The Courts granted the extensions in each of the Matters. Since that time, various dates have been set in the Matters. The following chart identifies the Judges who have been assigned to each of the Matters, as well as the SCWA matter, and the dates that are currently set.

Case	Judge	Pending Dates
<i>Suffolk County Water Auth. v. Dow Chem. Co., et al.</i> , No. 17-cv-6980 (E.D.N.Y.)	District Judge Bianco Magistrate Judge Shields	
<i>Port Washington Water Dist. v. Dow Chem. Co., et al.</i> , No. 18-cv-7266 (E.D.N.Y.)	District Judge Seybert Magistrate Judge Tomlinson	Answer: 3-31-19 Initial Conference: 4-3-19 Discovery plan: 4-1-19 Initial disclosures: 4-1-19
<i>Roslyn Water Dist. v. Dow Chem. Co., et al.</i> , No. 18-cv-7269 (E.D.N.Y.)	District Judge Gershon Magistrate Judge Mann	Answer: 4-1-19
<i>Water Auth. of Great Neck North v. Dow Chem. Co., et al.</i> , No. 18-cv-7271 (E.D.N.Y.)	District Judge Feuerstein Magistrate Judge Shields	Answer: 4-1-19 Initial Conference: 5-2-19
<i>Oyster Bay Water Dist. v. Dow Chem. Co., et al.</i> , No. 18-cv-7272 (E.D.N.Y.)	District Judge Hurley Magistrate Judge Brown	Answer: 4-1-19
<i>Garden City Park Water Dist. v. Dow Chem. Co., et al.</i> , No. 18-cv-7277 (E.D.N.Y.)	District Judge Hurley Magistrate Judge Tomlinson	Answer: 3-31-19
<i>West Hempstead Water Dist. v. Dow Chem. Co., et al.</i> , No. 18-cv-7278 (E.D.N.Y.)	District Judge Feuerstein Magistrate Judge Shields	Answer: 3-31-19 Initial Conference: 5-2-19
<i>Carle Place Water Dist. v. Dow Chem. Co., et al.</i> , No. 18-cv-7279 (E.D.N.Y.)	District Judge Hurley Magistrate Judge Lindsay	Answer: 3-29-19
<i>Jericho Water Dist. v. Dow Chem. Co., et al.</i> , No. 18-cv-7281 (E.D.N.Y.)	District Judge Hurley Magistrate Judge Lindsay	Answer: 3-29-19
<i>Albertson Water Dist. v. Dow Chem. Co., et al.</i> , No. 18-cv-7282	District Judge Feuerstein	Answer: 4-1-19

¹ Defendants' responses to the Complaint were initially due on January 31, 2019 (The Dow Chemical Company and Ferro Corporation) and February 5, 2019 (Vulcan Materials Company).



Your Honors
Page 3

March 14, 2019

Case	Judge	Pending Dates
(E.D.N.Y.)	Magistrate Judge Brown	Initial Conference: 5-2-19
<i>Bd. of Comm'rs of Manhasset-Lakeville Water Dist. v. Dow Chem. Co., et al.</i> , No. 19-cv-85 (E.D.N.Y.)	District Judge Feuerstein Magistrate Judge Lindsay	Answer: 3-29-19 Initial Conference: 5-2-19

Separately, in the SCWA matter, on January 15, 2019, at the direction of Judge Bianco, defendants filed an application seeking to bifurcate discovery so that statute of limitations discovery and dispositive motion practice can be completed before proceeding to merits discovery ("Discovery Bifurcation Application"). On February 15, 2019, the plaintiff in that action opposed the Discovery Bifurcation Application. Judge Bianco has yet to rule on that application.

In anticipation of upcoming deadlines that are set in each of the Matters, the parties have conferred and agree that in the interests of efficiency, and to allow for coordination of schedules and discovery across the Matters, the pending dates in each of the Matters ought to be extended until plaintiffs' Relatedness Application is decided. Thus, the parties request the following extensions of the existing deadlines:

- That the time for defendants to respond to the Complaints be extended until May 31, 2019, or 30 days after the Relatedness Application is decided, whichever is later. This is the second such extension sought by defendants.
- That any conferences be adjourned, and that the Federal Rule of Civil Procedure 26 deadlines triggered by any conference be extended, until after the Relatedness Application has been decided. This is the first such request.

The parties appreciate Your Honors' consideration of this request.

Respectfully,

Phillips Lytle LLP

By /s/ Joel A. Blanchet

Joel A. Blanchet

cc: Hon. Joseph F. Bianco (ECF only)
All Counsel of Record (ECF)